

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

2006 JUL 25 P 12:10

UNITED STATES OF AMERICA  
upon the relation and  
for the use of the  
TENNESSEE VALLEY AUTHORITY

*Plaintiff,*

v.

ADDITIONAL RIGHTS WITH  
RESPECT TO A PREEXISTING  
EASEMENT OVER LAND IN  
McMINN COUNTY, TENNESSEE

EMILY C. PLEMMONS  
JACKIE R. CLINE

*Defendants.*

Civil Action No. 1:05-CV-340  
*Edgar*

**JUDGMENT**

This action came on to be considered, and it appears to the Court that the parties, as shown by the signatures below, have agreed to resolve this action as hereinafter provided;

It is, therefore, Ordered and Adjudged that:

1. The Defendants shall recover of Plaintiff \$7,400 as full compensation for the taking of the easement and right-of-way herein condemned, which amount has been deposited by Plaintiff with the registry of this Court in this action.
2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed

herein on December 6, 2005, is hereby fully and finally confirmed with respect to easement rights described in Exhibit A attached hereto and made a part hereof (said description being the same as Exhibit A attached to the Complaint and Declaration of Taking filed herein).

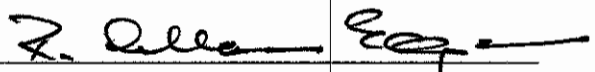
3. The Clerk of this Court is authorized and directed to draw two checks on the funds on deposit in the registry of this Court in the total principal amount of \$7,400 plus all accrued interest, minus any administrative fee with respect to said interest, said checks do be drawn and mailed as follows:

<u>Payee</u>	<u>Amount</u>	<u>Mailing Address</u>
Jackie R. Cline	\$3,700 plus one-half of the interest to be disbursed	1028 Tennessee Avenue Etowah, Tennessee 37331
Emily C. Plemmons	\$3,700 plus one-half of the interest to be disbursed	8412 Barbee Lane Knoxville, Tennessee 37923

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

SO ORDERED.

ENTER *this 24<sup>th</sup> day of July*, 2006.

  
\_\_\_\_\_  
R. ALLEN EDGAR  
UNITED STATES DISTRICT JUDGE

We hereby approve and consent  
to the entry of this Judgment:

Edwin W. Small

Edwin W. Small  
Assistant General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1401  
Tennessee BPR No. 012347  
Telephone 865-632-3021  
Facsimile 865-632-6718

Attorney for Plaintiff

Jackie R. Cline

Jackie R. Cline

Emily C. Plemmons

Emily C. Plemmons

Defendants

003766260

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. 3OAR-86

A parcel of land located in McMinn County, State of Tennessee, as shown on a map entitled "Northeast Benton - Etowah District Transmission Line," drawing LW-8468, sheet P2, R.0, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point which is a common corner in the lands of Charles E. Wilson, et ux., McMinn County, Tennessee (24-foot bituminous road), and others, the said point being on a fence line and being on the south right-of-way line of the said road; thence leaving the said common corner and with the meanders of the said fence line, the said road right-of-way line, and the north property line of Charles E. Wilson, et ux., in a westerly direction 132 feet to a point on the centerline of the transmission line location at survey station 375+43.01; thence leaving the said fence line, the said road right-of-way line, and the said property line and with the centerline of the location S. 19° 07' 02" W., 86.97 feet to an angle point in the centerline of the location at survey station 374+56.04; thence continuing with the centerline of the location S. 15° 12' 16" W., 2,101.74 feet to a point on a fence line and the property line between Emily C. Plemmons and Jackie C. Cline and Charles E. Wilson, et ux., at survey station 353+54.3, the said point being the POINT OF BEGINNING.

EXHIBIT A

Thence leaving the point of beginning and the centerline of the location and with the said fence line and the said property line N. 55° 51' 05" E., 28.82 feet to a point, the said point being 18.77 feet right of the centerline of the location at survey station 353+76.19; thence continuing with the said fence line and the said property line S. 19° 36' 56" E., 32.80 feet to a point on the southeast right-of-way line of the location; thence leaving the said fence line and the said property line and with the said southeast right-of-way line of the location S. 15° 12' 16" W., 2,192.10 feet to a point in the centerline of a creek and the property line between Emily C. Plemmons and Jackie C. Cline and J. M. Huber Corporation, the said point being 37.50 feet right of the centerline of the location at survey station 331+57.17; thence leaving the said southeast right-of-way line of the location and with the meanders of the centerline of the said creek and the said property line in a northwesterly direction 109.26 feet, crossing the centerline of the location at survey station 332+00.7 (59.33 feet), to a point on the northwest right-of-way line of the location, the said point being 37.50 feet left of the centerline of the location at survey station 332+33.69; thence leaving the centerline of the said creek and the said property line and with the said northwest right-of-way line of the location N. 15° 12' 16" E., 2,076.96 feet to a point on the aforementioned fence line and property line between Emily C. Plemmons and Jackie C. Cline and Charles E. Wilson, et ux., thence leaving the said northwest right-of-way line of the location and with the said fence line and the said property line N. 55° 51' 05" E., 57.57 feet to the point of beginning and containing 3.7 acres, more or less.

The foregoing easement rights are acquired except insofar as those rights or any part thereof are already owned by Plaintiff by virtue of a grant recorded in Deed Book ZZ, Volume 2, page 367, in the office of the Register of McMinn County, Tennessee, and an instrument recorded in Deed Book 3-X, page 3, in said Register's office.

Recording Information: Landowners as of the date of the filing of the Declaration of Taking — Emily C. Plemmons and Jackie R. Cline (holographic will of Dorothy Cline submitted for probate in the Chancery Court for McMinn County, Tennessee, Probate Division (case No. P-152) (said owners also are said Dorothy Cline's sole heirs at law).

Tax map 126, parcel 33

#### EXHIBIT A